



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adoption of Ordinance No. 1626 Repealing and Reenacting Lodi Municipal Code Chapter 5.24 Relating to Taxicab Transportation Service

MEETING DATE: March 6, 1996


PREPARED BY: City Attorney

RECOMMENDATION: It is recommended that the Council adopt Ordinance No. 1626 containing the new regulations regarding for hire vehicles which only apply to taxicabs.

BACKGROUND: At the Council meeting of February 21, 1996, the Ordinance pertaining to Vehicles for Hire was introduced with some alterations to be made prior to its adoption. Those alterations have been made which make the ordinance applicable to taxicabs only.

FUNDING: None Required.

Respectfully submitted,


Randall A. Hays, City Attorney

APPROVED: _____

H. DIXON FLYNN
City Manager

ORDINANCE NO. 1626

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
REPEALING AND REENACTING LODI MUNICIPAL CODE CHAPTER 5.24
RELATING TO TAXICAB TRANSPORTATION SERVICE

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 5.24 - Taxicabs and Other Vehicles for Hire
is hereby repealed and reenacted in its entirety to read as follows:

Chapter 5.24

TAXICAB TRANSPORTATION SERVICE

Article I. General Provisions

Sections:

- 5.24.010 Definitions.
- 5.24.020 Compliance with Chapter.

Article II. Owners

- 5.24.030 Owner's Permit - Taxicabs.
- 5.24.040 Owner's Permit - Fee.
- 5.25.050 Owner's Permit - Expiration.
- 5.25.060 Owner's Permit - Qualifications.
- 5.25.070 Owner Duties.
- 5.25.080 Insurance Requirements.
- 5.25.090 Owner's Permit - Revocation - Grounds.
- 5.25.100 Owner's Permit - Revocation - Investigation.
- 5.25.110 Owner's Permit - Transferability.

Article III. Drivers

- 5.24.120 Driver's Permit - Required.
- 5.24.130 Driver's Permit - Fee.
- 5.24.140 Driver's Permit - Qualifications - Police Chief Approval.
- 5.24.150 Driver's Duties.
- 5.24.160 Driver's Drug and Alcohol Testing.
- 5.24.170 Testing Procedures.
- 5.24.180 Information Request.

Chapter 5.24

Article I. General Provisions

5.24.010 Definitions.

The following terms, as used in this chapter, are defined as follows, unless the particular provision or context requires otherwise:

- A. “Operate within the city” or “operate within the corporate limits of the city” means the soliciting, accepting, picking up or embarking within the city of a passenger or passengers for transportation or conveyance to any point within or without the city. Prepaid round trips which originate outside the city limits shall not constitute a defined operation under this subsection.
- B. “Taxicab” means every vehicle operated over the public streets of the City, the vehicle being routed under the direction of the passenger and which, in addition to such specifications, is of a distinctive color and appearance such as is commonly used in this state for taxicabs, and is operated at rates per mile or for waiting time, or both.

5.24.020 Compliance with Chapter.

The provisions of this chapter shall be observed by all persons operating taxicabs within the City, and it is unlawful to operate any taxicab in violation of any of such provisions.

Article II. Owners

5.24.030 Owner’s Permit - Taxicabs.

No individual or company shall operate any taxicab on or over any streets of the city without having first obtained approval from the City Clerk.

5.24.040 Owner’s Permit - Fee.

The owner or lessee of any taxicab obtaining any permit under this chapter shall pay unto the City Clerk a business tax as prescribed by the City. No permit issued under the provisions of this chapter shall be valid until the city clerk endorses thereon an acknowledgment of the payment of the tax for the current year. Such tax shall be due and payable to the city clerk on the first day of January of each year and delinquent thirty days thereafter.

5.24.050 Owner's Permit - Expiration.

Any permit issued under this chapter shall expire at the end of the calendar year in which it is issued; provided, that the tax therefore is paid in accordance with the provisions of this chapter. Unless suspended or revoked, it shall be renewed upon application for renewal within thirty days of expiration.

5.24.060 Owner's Permit - Qualifications.

The owner's permit required by this chapter shall be granted in writing by the City Clerk, upon a satisfactory showing by the applicant that:

- A. Applicant has submitted a financial statement which has been reviewed by the finance director;
- B. Applicant has submitted evidence of insurance coverage as set forth in Section 5.24.090;
- C. The applicant's vehicle or vehicles are possessed of the following qualifications as determined by the chief of police:
 - 1. The vehicle must meet all requirements of the Vehicle Code of the state in regard to equipment and mechanical condition. Further, it must be maintained in a clean and sanitary condition throughout.
 - 2. The vehicle must bear, visibly painted in a distinctive color, in figures at least three inches high, a number of one or two digits, which number shall not be the number of any other vehicle earlier granted a vehicle permit under this chapter. The number shall be specified in the application and noted on the permit. The vehicle must also bear, visibly painted in a distinctive color, in letters at least one and one-half inches high, the name of the owner or lessee thereof.
 - 3. The vehicle must carry in a conspicuous position within its passenger compartment a clear, intelligible, and legible statement of the fares or charges to be made in connection with the use of the vehicle. A copy of such fares and charges shall be filed with the City Clerk as well.
 - 4. A taxicab over the entire exterior normally covered with paint must be painted in a distinctive color or system of colors; and the color or system of colors shall be so selected that the vehicle may not reasonably be confused with any ordinary private vehicle.

5.24.070 Owner Duties.

No person owning or leasing a taxicab, shall, while such vehicle owned or leased is being operated, do the following:

- A. Fail to maintain as to such vehicle the qualifications required for a permit for such vehicle under this chapter;
- B. Do any act, or employ any person to do any act, which would be forbidden by Section 5.24.160 if done by a person driving or operating a taxicab;
- C. Rent or lend the vehicle to any person who operates it, or permit any person to operate it, except himself or his duly authorized agent.

5.24.080 Insurance Requirements.

The owner or lessee of any taxicab must secure his ability to answer to any claim for damage to person or property which may arise against him by reason of the operation of any vehicle as follows:

- A. Public liability insurance in the minimum limits of one hundred thousand dollars for injury or death to any person and three hundred thousand dollars for injury or death of more than one person in the same accident;
- B. Public liability insurance for property damage in the minimum sum of fifty thousand dollars;
- C. A certificate evidencing such insurance shall be filed with the risk manager and shall name the City of Lodi, its officers, agents, and employees as additional insureds.

5.24.090 Owner's permit - Revocation - Grounds.

The owner's permit required by this chapter may be revoked or suspended if it appears that any of the following conditions exist:

- A. That any of the qualifications required for the granting of the owner's permit are no longer met by the permittee or his vehicle or vehicles;
- B. That the permittee has been convicted of any violation of restrictions imposed upon him as owner or lessee under this chapter, or that he has become bankrupt;
- C. That for any other reasonable cause the permittee's vehicle or vehicles have ceased to be fit and proper vehicles to be operated as taxicabs;

D. That the permittee is in violation of any of the provisions of this chapter.

5.24.100 Owner's Permit - Revocation - Investigation.

For the purpose of ascertaining whether any cause exists for the suspension or revocation of an owner's permit under this chapter, the chief of police may, and on direction of the city council or upon complaint shall, cause strict inquiry to be made into the conduct of the permittee, the sufficiency and validity of his security, and the conditions of his vehicle or vehicles.

5.24.110 Owner's Permit - Transferability.

Any owner's permit issued under the provisions of this chapter may be sold, assigned, leased, transferred or inherited as other property only upon authorization of the city clerk.

Article III. Drivers.

5.24.120 Driver's Permit - Required.

No person shall drive or operate any taxicab within the city unless he holds a permit, to be known as a driver's permit, therefor, as provided in this chapter, and no person shall drive or operate a taxicab within the corporate limits of the city under or by virtue of any driver's permit which has been suspended or revoked as provided in this chapter.

5.24.130 Driver's Permit - Fee.

Every driver under this chapter shall pay unto the city clerk an annual license fee in the sum prescribed by city. Fees for owner-drivers shall be waived. The fee shall be due and payable the first day of January of each year and delinquent thirty days thereafter.

5.24.140 Driver's Permit - Qualifications - Police Chief Approval.

A. A driver's permit or renewal thereof shall be issued to each applicant complying with the provisions of this chapter, such permit shall be issued by the city clerk pursuant to a finding by the chief of police that the applicant for a permit or for renewal is a person of good character, and one who will not endanger the public interests and safety.

B. A person who, within the past ten years, has been convicted of any of the below-listed offenses is not eligible to be granted or hold a driver's permit:

1. A felony, or of any crime under the laws of this state that would amount to a felony;
2. Any crime in this state or elsewhere in which fraud or intent to defraud was an element;

3. Unlawfully possessing or distributing controlled substances as defined in the laws of the state or elsewhere;
 4. Any sex offense or crime involving moral turpitude; or
 5. Driving while under the influence of alcohol or drugs.
- C. The applicant must hold a valid and appropriate driver's license issued by the Department of Motor Vehicles of the state, under the Vehicle Code of the state.
- D. The applicant must be fingerprinted by the Lodi Police Department.
- E. Any person having been denied a driver's permit may make written application for review to the chief of police. The chief of police may, having given due consideration for the proper protection of the public health, safety, morals, good order and general welfare of the inhabitants of the city and upon evidence of the good moral character and rehabilitation of the applicant, waive any of the above-enumerated restrictions and conditions and recommended said driver's permit.

5.24.150 Driver's Duties.

No person driving or operating a taxicab shall, while operating such vehicle, do the following:

- A. Fail to maintain the qualifications required for an operator's permit under this chapter;
- B. Refuse without good cause to accept as a passenger any person desiring transportation who shall tender money sufficient to pay his fare to his stated destination.
- C. Transport passengers to their stated destination over an unnecessarily circuitous route;
- D. Refuse to load and unload for any passenger such hand baggage as may not exceed the reasonable internal capacity of the vehicle, and such other baggage as may not reasonably exceed its capacity in trunk or top; or, after being requested, refuse to carry such baggage to or from such buildings as the passenger may enter or leave;
- E. Make false representations by word, act, conduct or appearance regarding the name or identity of persons owning or leasing the taxicab he operates, or regarding his own identity; or refuse to give his name and the number of his vehicle to any person requesting them;

- F. Refuse or fail, after being requested, to give a receipt for any fare paid;
- G. Fail or neglect to report to the police department within twenty-four hours all property left in his vehicle by any passenger.

5.24.160 Driver's Drug and Alcohol Testing.

No person shall be issued a driver's permit until they have presented certification to the City Clerk that they have tested negative for alcohol (breath alcohol concentration of less than 0.02 percent) and each of the controlled substances specified in Part 40 (commencing with Section 40.1) of the Title 49 of the Code of Federal Regulations. The date of testing shall be within ten (10) days of the date of issuance of a driver's permit. Test results are confidential and shall not be released without the consent of the applicant, except as authorized or required by law. Cost for such testing is the obligation of the applicant or employee of the applicant.

5.24.170 Testing Procedures.

Applicant shall show a valid California Driver's License at the time and place of testing. Testing procedures shall be substantially as set forth in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations. The city may at random require a permitted driver to be retested. If such a test is required by city, city shall pay the cost for such testing.

5.24.180 Information Request.

Upon the request of a driver applying for a permit, the city clerk shall give the applicant a list of the consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the City Clerk knows offers tests in or near the city.

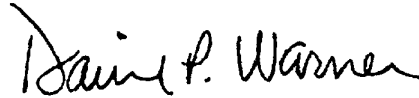
Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

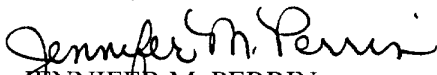
Section 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 6th day of March, 1996



DAVID P. WARNER
Mayor

Attest:




JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

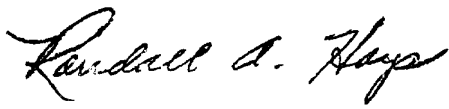
I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1626 was introduced at a regular meeting of the City Council of the City of Lodi held February 21, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held March 6, 1996 by the following vote:

AYES: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
NOES: Council Members - None
ABSENT: Council Members - Davenport
ABSTAIN: Council Members - None

I further certify that Ordinance No. 1626 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


JENNIFER M. PERRIN
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney